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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,950	10/27/2003	Kentaro Fujino	244405US0X	2139
22850	7590 03/22/2006		EXAM	INER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			KNABLE, GEOFFREY L	
	1940 DUKE STREET ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER
-			1733	
			DATE MAILED: 03/22/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/692,950	FUJINO ET AL.
Office Action Summary	Examiner	Art Unit
	Geoffrey L. Knable	1733
The MAILING DATE of this communication ap	ppears on the cover sheet wit	h the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC .136(a). In no event, however, may a red d will apply and will expire SIX (6) MONI te, cause the application to become ABA	ATION.  ply be timely filed  "HS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on  2a) ☐ This action is FINAL. 2b) ☑ Thi  3) ☐ Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matte	
Disposition of Claims		
4) ⊠ Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-18 are subject to restriction and/or	awn from consideration.	
Application Papers		
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examin	cepted or b) objected to be drawing(s) be held in abeyand ction is required if the drawing(s)	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	nts have been received. Its have been received in Apority documents have been a au (PCT Rule 17.2(a)).	oplication No received in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08	Paper No(s	ummary (PTO-413) /Mail Date formal Patent Application (PTO-152)
Paper No(s)/Mail Date	6)  Other:	

## Election/Restrictions

- This application contains claims directed to the following patentably distinct species:
  - A: butyl or halobutyl used in the auxiliary layer;
  - B: diene-based elastomer used in the auxiliary layer;
  - C: thermoplastic urethane-based elastomer used in the auxiliary layer.

The species are independent or distinct because they are entirely different compounds that would represent entirely different ways to effect the desired bonding and would present significant burden to examine together; Rejoinder will however be considered upon allowance of a generic claim.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claims 1-8 and 13-18 (and maybe 9) appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable March 19, 2006